

# **EXHIBIT “B”**

1/20/05

CONFIDENTIAL: THIS MEMORANDUM CONTAINS INFORMATION PROTECTED BY THE WORK PRODUCT AND COMMON INTEREST PRIVILEGES

## SUMMARY OF STATE LITIGATIONS

STATE	DATE FILED	AZ	BMS	GSK	J&J	Schering	Other Defendants	CASE NO./ COURT	CLAIMS	ATTORNEYS
Alabama	01/26/05	X	X	X	X		Abbott Laboratories; Agouron Pharmaceuticals, Inc.; Alcon Laboratories, Inc.; Allergan, Inc.; Alpharma, Inc.; Alza Corporation; Amgen, Inc.; Andrx Corporation; Andrx Pharmaceuticals, Inc.; Aventis Dey, Inc.			
Arkansas	1/20/04					X		CV04-634; Pulaski County Circuit Court, 5th Division	Only specific drug targeted at this point is Warrick's Albuterol 90 Mcg Aerosol Inhaler which had the highest Medicaid utilization for all Warrick drugs in Arkansas	OFFICE OF THE ATTORNEY GENERAL: Teresa Marks, Jeannette Hamilton, Bradford Phelps.
California	1/7/03 (originally filed under seal 7/28/98)*		X	X	X	X	Abbott Laboratories; Wyeth, Inc.; and 1-200 John Does adv State of California on behalf of Relator, Ven-a-Care of the Florida Keys, Inc. Abbott Laboratories; Alpha Therapeutic Corporation; Aventis Behring, LLC; Aventis Pharmaceuticals, Inc.; Baxter Healthcare Corporation; B. Braun McGaw; Bedford Laboratories; Dey, LP; Dey, Inc.; Liphia, SA; Merck; Elkins-Sinn/Lederle; Geneva Pharmaceuticals, Inc.; Gensia Sioor Pharmaceuticals, Inc.; Immunex Corporation; Mylan Laboratories, Inc.; Mylan Pharmaceuticals, Inc.; Novartis Pharmaceuticals Corp.; Pharmacia, Inc.; Pharmacia & Upjohn, Inc.; Roxane Laboratories, Inc.; adv Peralta, by and through Ibarra	BC287198A/ Superior Court, L.A. County* BC 259587/ Superior Court, L.A. County*	Filed under False Claims Act	CALIFORNIA ATTORNEY GENERAL: Eliseo Sisneros, John Fisher. CALIFORNIA ATTORNEY GENERAL: Stobhan Franklin, Dennis Fenwick, Eliseo Sisneros, John Fisher, Timothy Foote, Suzanne Giorgi.

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Connecticut*	3/13/03			X	X	X	Dey, Inc.; Roxane; Pharmacia Corp.; Pharmacia Corp.; Aventis Pharmaceuticals, Inc.	CV-03-0824416-S/ Hartford Superior Court CV-03-0824413-S/ Hartford Superior Court CV-03-0824414-S/ Hartford Superior Court CV-03-0824415-S/ Hartford Superior Court		
Florida*	7/9/03					X	Boehringer Ingelheim; Ben Venue Laboratories; Bedford Laboratories; Roxane; adv. State of Florida on behalf of Relator, Ven-a-Care of the Florida Keys, Inc.; Dey, Inc.; adv. State of Florida on behalf of Relator, Ven-a-Care of the Florida Keys, Inc.	98-3032-A/ Leon Circuit Court		

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Kentucky	9/15/2003 11/4/2004	X	X	X	X	X	Abbott Laboratories, Inc.; Dey, Inc.; Alpharma, Inc.; Amgen, Inc.; Aventis Pharmaceuticals, Inc.; Aventis Behring, LLC; B. Braun of America, Inc.; B. Braun McGaw; Barr Pharmaceuticals, Inc.; Baxter International, Inc.; Bayer Corporation; Ben Venue Laboratories, Inc.; Boehringer Ingelheim Corporation; Boehringer Ingelheim Pharmaceuticals, Inc.; Forest Laboratories, Inc.; Immunex Corporation; Ivax Corporation; Ivax Pharmaceuticals, Inc.; McNeil-PPC, Inc.; Merck & Company, Inc.; Mylan Laboratories, Inc.; Mylan Pharmaceuticals, Inc.; Novartis Pharmaceuticals Corporation; Novopharm USA, Inc.; Ortho-McNeil Pharmaceutical, Inc.; PAR Pharmaceutical Companies, Inc.; Pfizer, Inc.; Pharmacia; Purepac Pharmaceutical Co.; Roxane Laboratories, Inc.; Sandoz, Inc.; Sisor Pharmaceuticals, Inc.; TAP Pharmaceutical Products, Inc.; Teva Pharmaceutical Industries, Ltd.; Watson Pharma, Inc.; Watson Pharmaceuticals, Inc.	03-CI-1134/ Franklin Circuit Court, Div II 03-CI-1135/ Franklin Circuit Court, Div II 04-CI-1487/ Franklin Circuit Court, Div I	Brought under parens patriae authority alleging violation of Consumer Protection Act, False Advertising statute, Medicaid fraud statute and common law fraud by defendants' inflating of AWP to increase "spread." Brought under parens patriae authority alleging violation of Consumer Protection Act, False Advertising statute, Medicaid fraud statute and common law fraud by defendants' inflating of AWP to increase "spread." Brought under parens patriae authority alleging violation of Consumer Protection Act, False Advertising statute, Medicaid fraud statute and common law fraud by defendants' inflating of AWP to increase "spread."	OFFICE OF THE ATTORNEY GENERAL: Janet Graham, Robert Jones, Todd Leatherman, Pamela Murphy, David Johnstone, Paula Holbrook, Connie Malone. Outside Counsel: Charles Barnhill, William Dixon, Elizabeth Eberle, MINER BARNHILL & GALLAND, Madison WI; George Galland, Judson Miner, Robert Libman, Marni Willenson, MINER BARNHILL & GALLAND, Chicago IL; Jeffrey Archibald, ARCHIBALD LAW OFFICES, Madison WI.

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Massachusetts	8/24/03					X	Barr Laboratories, Inc.; Dey, Inc.; Duramed Pharmaceuticals, Inc.; Ethex Corporation; Ivax Corporation; Mylan Laboratories, Inc.; Par Pharmaceutical, Inc.; Purepac Pharmaceutical Co.; Roxane Laboratories, Inc.; Teva Inc.; Schein Pharmaceutical, Inc.; Watson Pharmaceuticals USA, Inc.; Watson Pharmaceuticals, Inc.	C.A. No. 03-11865 PBS (D.Mass.)		OFFICE OF THE ATTORNEY GENERAL, Medicaid Fraud Control Unit; Nicholas Messuri, Robert Patten, Richard Heidlage.
Minnesota*	9/26/03				X	X		MC-02-009660/ Hennepin County District Court MC-03-14691/ Hennepin County District Court		
Montana*								USDC D.Mass.		
Nevada*	2/15/02						Abbott Laboratories, Inc., et al.	CV-00260/ Washoe County District Court		
New York*			X	X			Aventis Pharmaceuticals, Inc. adv. National Asbestos Workers Med. Fund	905-03/ Supreme Court of New York 1150-03/ Supreme Court of New York 101588/02/ Supreme Court of New York		

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Ohio	3/9/04 11/17/04					X	Abbott Laboratories, Inc.; Dey, Inc.; Pharmacia Corp.; Ben Venue Laboratories, Inc.; Boehringer Ingelheim Corp.; Boehringer Ingelheim Pharmaceuticals, Inc.; Roxane Laboratories, Inc.	Case No. A0402047 Case No. A0409296	Filed under Consumer Sales Practices Act, Deceptive Trade Practices Act, Medicaid Fraud Statute, Anti-Kickback Statute*	OHIO ATTORNEY GENERAL, Health Care Fraud Section: Drew Duffy, John Guthrie. Outside Counsel: Stanley Chesley, Fay Stiliz, Robert Heuck, WAITE, SCHNEIDER, BAYLESS & CHESLEY CO, Cincinnati OH; Michael Barrett, Stephanie Bowman, BARRETT & WEBER, Cincinnati OH; James Swaim, Richard Hempfling, FLANAGAN, LIEBERMAN, HOFFMAN & SWAIM, Dayton OH; David Ewing, GARDNER, EWING & SOUZA, Louisville KY; W.B. Markovitz, MARKOVITS & GREIWE Co, Cincinnati OH.
Pennsylvania*	3/10/04	X	X	X	X	X	Amgen; Aventis; Baxter; Bayer; Boehringer Ingelheim Corp.; Dey, Inc.; TAP Pharmaceuticals			

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Texas	09/07/00						Abbott Laboratories, Inc.; Baxter Healthcare Corporation; B. Braun Medical, Inc. (formerly McGaw, Inc.); Ben Venue Laboratories, Inc.; Boehringer Ingelheim Pharmaceuticals, Inc.; Roxane Laboratories, Inc.; Hospira, Inc. adv State of Texas on behalf of Relator, Ven-a-Care of the Florida Keys, Inc.	GV4-01286, District Court, Travis County, Texas GV3-03079, District Court, Travis County, Texas	Qui tam case brought on behalf of the State by Ven-A-Care of the Florida Keys, Inc., pursuant to the Texas Medicaid Fraud Prevention Act, Texas Human Resources Code, Chapter 36	Texas Attorney General: Raymond Winter, Patrick O'Connell, Michael Winget-Hernandez. For the Relator: Jim Breen, John Clark, Jarrett Anderson.
West Virginia*						X		01 c 3011/ Kanawha County Circuit Court 04-CV-1709 (Cir. Ct. Wis.)		Wiscon Dept of Justice: Michael Bauer, Cynthia Hirsch, Frank Remington. Outside Counsel: Charles Barnhill, William Dixon, Elizabeth Eberle, MINER BARNHILL & GALLAND, Madison WI; Jeff Archibald, ARCHIBALD CONSUMER LAW OFFICES, Madison WI.
Wisconsin	06/03/04	X	X	X	X	X	Abbott Laboratories; Amgen Inc.; Aventis Behring, LLC; Aventis Pharmaceuticals, Inc.; Baxter International, Inc.; Bayer Corporation; Ben Venue Laboratories, Inc.; Boehringer Ingelheim Corporation; Boehringer Ingelheim Pharmaceuticals, Inc.; Dey, Inc.; Immunex Corporation; Ivax Corporation; Ivax Pharmaceuticals, Inc.; Janssen Pharmaceutical Products, LP; McNeil-PPC, Inc.; Merck & Company, Inc.; Mylan Laboratories, Inc.; Mylan Pharmaceuticals, Inc.; Novartis Pharmaceuticals Corporation; Ortho-McNeil Pharmaceutical, Inc.; Pharmacia; Pfizer, Inc.; Roxane Laboratories, Inc.; Sandoz, Inc.; Sicoor Pharmaceuticals, Inc.; Sicoor Pharmaceuticals, Inc.; TAP Pharmaceutical Products, Inc.; Teva Pharmaceutical Industries, Ltd.; Watson Pharma, Inc.; Watson Pharmaceuticals, Inc.			

\*Information obtained from NAAG or MDL case history websites.